

116TH CONGRESS
2D SESSION

S. 4387

To amend the Workforce Innovation and Opportunity Act to authorize the Reentry Employment Opportunities Program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 30, 2020

Mr. PETERS (for himself and Mr. PORTMAN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Workforce Innovation and Opportunity Act to authorize the Reentry Employment Opportunities Program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “REO Act of 2020”.

5 **SEC. 2. REENTRY EMPLOYMENT OPPORTUNITIES PRO-**
6 **GRAM.**

7 Subtitle D of title I of the Workforce Innovation and
8 Opportunity Act (29 U.S.C. 3221 et seq.) is amended—

1 (1) by redesignating section 172 (29 U.S.C.
2 3227) as section 173; and

3 (2) by inserting after section 171 (29 U.S.C.
4 3226) the following:

5 **“SEC. 172. REENTRY EMPLOYMENT OPPORTUNITIES PRO-**
6 **GRAM.**

7 “(a) DEFINITIONS.—In this section:

8 “(1) CORRECTIONAL INSTITUTION.—The term
9 ‘correctional institution’ has the meaning given the
10 term in section 225(e).

11 “(2) ELIGIBLE ADULT.—The term ‘eligible
12 adult’ means an individual who—

13 “(A) on the date of the individual’s enroll-
14 ment—

15 “(i) is not younger than age 25; and

16 “(ii) is residing in or returning to the
17 geographic area served; and

18 “(B)(i) before that date of enrollment—

19 “(I) was released from incarceration
20 in a correctional institution (including
21 being enrolled in a work release center at
22 the institution); or

23 “(II) served an alternative sentence,
24 or a sentence to a diversion program, or—

1 dered through the adult criminal justice
2 system; or

3 “(ii) on that date, is subject to the adult
4 criminal justice system, including an individual
5 who—

6 “(I) is incarcerated in a correctional
7 institution (including being enrolled in a
8 work release center at the institution), but
9 is scheduled to be released within 6
10 months;

11 “(II) is residing in a residential re-
12 entry center;

13 “(III) is subject to electronic or home-
14 based monitoring;

15 “(IV) is in the community on proba-
16 tion or parole; or

17 “(V) is serving an alternative sen-
18 tence, or a sentence to a diversion pro-
19 gram, ordered through that system.

20 “(3) ELIGIBLE YOUNG ADULT.—The term ‘eli-
21 gible young adult’ means an individual who, on the
22 date of the individual’s enrollment—

23 “(A) is not younger than age 18 and not
24 older than age 24;

1 “(B) is residing in or returning to the geo-
2 graphic area served; and

3 “(C)(i) is a school dropout (within the
4 meaning of section 129(a)(1)(B)(iii)(I)) from a
5 high school, except that not more than 10 per-
6 cent of the individuals accepted to participate in
7 a program under subsection (b) may be found
8 eligible under this subparagraph solely on the
9 basis of meeting the requirements of this
10 clause; or

11 “(ii) is an individual who is, or has been,
12 subject to the juvenile or adult criminal justice
13 system, including an individual who—

14 “(I) is or has been incarcerated in a
15 correctional institution (including being en-
16 rolled in a work release center at the insti-
17 tution or in a detention facility for juve-
18 niles);

19 “(II) is or has been subject to that
20 system due to having an out-of-home place-
21 ment, or being on probation or parole; or

22 “(III) is serving or has served an al-
23 ternative sentence, or a sentence to a di-
24 version program, ordered through that sys-
25 tem.

1 “(4) ELIGIBLE YOUTH.—The term ‘eligible
2 youth’ means an individual who, on the date of the
3 individual’s enrollment—

4 “(A) is not younger than age 16 and not
5 older than age 17;

6 “(B) is residing in or returning to the geo-
7 graphic area served; and

8 “(C)(i) is a school dropout (within the
9 meaning of section 129(a)(1)(B)(iii)(I)) from a
10 high school, except that not more than 10 per-
11 cent of the individuals accepted to participate in
12 a program under subsection (c) may be found
13 eligible under this subparagraph solely on the
14 basis of meeting the requirements of this
15 clause; or

16 “(ii) is an individual who is, or has been,
17 subject to the juvenile justice system, including
18 an individual who—

19 “(I) is or has been incarcerated in a
20 correctional institution (including being en-
21 rolled in a work release center at the insti-
22 tution or in a detention facility for juve-
23 niles);

1 “(II) is or has been subject to that
 2 system due to having an out-of-home place-
 3 ment, or being on probation or parole; or

4 “(III) is serving or has served an al-
 5 ternative sentence, or a sentence to a di-
 6 version program, ordered through that sys-
 7 tem.

8 “(5) ENROLL.—The term ‘enroll’ means receive
 9 confirmation that an individual, having applied to
 10 participate in a program under this section, has
 11 been accepted to the program.

12 “(6) REGISTERED APPRENTICESHIP.—The term
 13 ‘registered apprenticeship’ means an apprenticeship
 14 registered under the Act of August 16, 1937 (com-
 15 monly known as the ‘National Apprenticeship Act’;
 16 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.).

17 “(b) ADULT REENTRY EMPLOYMENT OPPORTUNI-
 18 TIES PROGRAM.—

19 “(1) ESTABLISHMENT.—The Secretary shall es-
 20 tablish and carry out an adult Reentry Employment
 21 Opportunities Program.

22 “(2) GRANTS.—

23 “(A) DIRECT GRANTS.—In carrying out
 24 the program, the Secretary may make direct
 25 grants to eligible entities to carry out projects

1 described in paragraph (6), in geographic areas,
 2 for eligible adults and eligible young adults.

3 “(B) GRANTS THROUGH INTER-
 4 MEDIARIES.—In any year for which the Sec-
 5 retary makes grants under subparagraph (A),
 6 the Secretary shall make intermediary grants
 7 on a competitive basis to eligible entities who
 8 are national or regional intermediaries, who
 9 shall use the grant funds to make direct grants
 10 to eligible entities or to carry out projects de-
 11 scribed in subparagraph (A) in accordance with
 12 the provisions of this subsection. For purposes
 13 of this subsection, a reference to the Secretary
 14 shall include a reference to an intermediary who
 15 receives funds under this subparagraph to the
 16 extent that the intermediary uses the funds to
 17 make direct grants to eligible entities.

18 “(3) ELIGIBLE ENTITIES.—To be eligible to re-
 19 ceive a direct or intermediary grant under this sub-
 20 section, an entity—

21 “(A) shall be an organization described in
 22 section 501(c)(3) of the Internal Revenue Code
 23 of 1986 that is exempt from taxation under sec-
 24 tion 501(a) of such Code;

25 “(B) may be—

1 “(i) an organization that serves
2 women or a minority population;

3 “(ii) a State or local government; or

4 “(iii) an entity (including an Indian
5 tribe or an Alaska Native-controlled or Na-
6 tive Hawaiian-controlled organization) that
7 is eligible for a grant under section 166
8 (including the regulations issued under
9 that section); and

10 “(C) may be an organization that serves—

11 “(i) an urban county, meaning a
12 county that is a Metropolitan Area, as des-
13 ignated by the Office of Management and
14 Budget; or

15 “(ii) a rural county, meaning a county
16 that is a Micropolitan Area, or neither a
17 Metropolitan Area nor a Micropolitan
18 Area, as so designated.

19 “(4) APPLICATIONS.—To be eligible to receive a
20 direct grant or an intermediary grant under this
21 subsection, an entity shall submit an application to
22 the Secretary at such time, in such manner, and
23 containing such information as the Secretary may
24 require, including, for a program that includes an

1 industry-recognized credential, a description of the
2 program leading to the credential.

3 “(5) USE OF FUNDS.—An entity that receives,
4 under this subsection, a direct grant to carry out a
5 project described in paragraph (2) shall use the
6 grant funds to carry out a project that provides op-
7 portunities in a pre-apprenticeship program, a reg-
8 istered apprenticeship program, an industry-recog-
9 nized apprenticeship program, occupational skills
10 education, on-the-job training, work experience, job
11 referrals, basic skills remediation, educational serv-
12 ices, or work readiness activities, to eligible adults or
13 eligible young adults.

14 “(6) AUTHORIZATION OF APPROPRIATIONS.—
15 There are authorized to be appropriated such sums
16 as may be necessary to carry out this subsection for
17 fiscal year 2021 and each subsequent fiscal year.

18 “(c) YOUTH REENTRY EMPLOYMENT OPPORTUNI-
19 TIES PROGRAM.—

20 “(1) ESTABLISHMENT.—The Secretary shall es-
21 tablish and carry out a youth Reentry Employment
22 Opportunities Program.

23 “(2) GRANTS.—

24 “(A) DIRECT GRANTS.—In carrying out
25 the program, the Secretary may make direct

1 grants to eligible entities to carry out projects
 2 described in subsection (b)(6), in geographic
 3 areas, for eligible youth.

4 “(B) GRANTS THROUGH INTER-
 5 MEDIARIES.—In any year for which the Sec-
 6 retary makes grants under subparagraph (A),
 7 the Secretary shall make intermediary grants as
 8 described in subsection (b)(2)(A), except that
 9 references in that subsection to eligible entities
 10 shall be treated as references to entities de-
 11 scribed in paragraph (3).

12 “(3) ELIGIBLE ENTITIES.—To be eligible to re-
 13 ceive a direct or intermediary grant under this sub-
 14 section, an entity may be an organization described
 15 in section 501(c)(3) of the Internal Revenue Code of
 16 1986 that is exempt from taxation under section
 17 501(a) of such Code or a State juvenile justice agen-
 18 cy.

19 “(4) APPLICATIONS.—To be eligible to receive a
 20 direct grant or an intermediary grant under this
 21 subsection, an entity shall submit an application as
 22 described in subsection (b)(4).

23 “(5) USE OF FUNDS.—An entity that receives,
 24 under this subsection, a direct grant to carry out a
 25 project described in paragraph (2) shall use the

1 grant funds as described in subsection (b)(6), for eli-
2 gible youth.

3 “(6) AUTHORIZATION OF APPROPRIATIONS.—

4 There are authorized to be appropriated such sums
5 as may be necessary to carry out this subsection for
6 fiscal year 2021 and each subsequent fiscal year.

7 “(d) TECHNICAL ASSISTANCE.—The Secretary shall
8 reserve and use not more than—

9 “(1) 2 percent of the funds appropriated under
10 subsection (b)(7) for a fiscal year to provide tech-
11 nical assistance to recipients of grants under sub-
12 section (b); and

13 “(2) 2 percent of the funds appropriated under
14 subsection (c)(7) for a fiscal year to provide tech-
15 nical assistance to recipients of grants under sub-
16 section (c).”.

17 **SEC. 3. EVALUATION OF THE REENTRY PROJECTS.**

18 (a) IN GENERAL.—Not later than 5 years after the
19 date of enactment of this Act, the Chief Evaluation Officer
20 shall evaluate the effectiveness of direct grants and inter-
21 mediary grants used by the Department of Labor to sup-
22 port offender reentry and recidivism reduction through re-
23 entry projects at the Federal, State, local, and tribal lev-
24 els. The Chief Evaluation Officer shall evaluate each of
25 the following:

1 (1) The effectiveness of such projects in rela-
2 tion to their cost, including the extent to which the
3 projects improve reentry outcomes, including em-
4 ployment, education, housing, and reductions in re-
5 cidivism, of participants in comparison to com-
6 parably situated individuals who did not participate
7 in such projects.

8 (2) The effectiveness of project structures and
9 mechanisms for delivery of services.

10 (3) The impact of such projects on the commu-
11 nities and participants involved.

12 (4) The impact of such projects on related pro-
13 grams and activities.

14 (5) The extent to which such projects meet the
15 needs of various demographic groups.

16 (6) The quality and effectiveness of technical
17 assistance provided by the Department of Labor to
18 grantees for implementing such projects.

19 (7) Such other factors as may be appropriate.

20 (b) AVAILABILITY OF FUNDS FOR EVALUATION.—

21 Not more than 2.5 percent of any amounts appropriated
22 for a fiscal year to carry out the reentry projects shall
23 be reserved and made available to the Chief Evaluation
24 Officer for such evaluation, including evaluating the proc-
25 esses, implementation, outcomes, costs, and effectiveness

1 of the reentry projects in improving reentry and reducing
2 recidivism. Such reserved funding may be used to provide
3 support to recipients of direct grants and intermediary
4 grants for reentry projects for supplemental data collec-
5 tion, analysis, and coordination associated with evaluation
6 activities.

7 (c) TECHNIQUES.—Evaluations conducted under this
8 section shall use appropriate methodology and research
9 designs. Impact evaluations conducted under this section
10 shall include the use of intervention and control groups
11 chosen by random assignment methods, to the extent pos-
12 sible.

13 (d) METRICS AND OUTCOMES FOR EVALUATION.—

14 (1) IN GENERAL.—Not later than 180 days
15 after the date of enactment of this Act, the Chief
16 Evaluation Officer shall consult with relevant stake-
17 holders and identify outcome measures, including
18 measures for employment, housing, education, and
19 public safety, that are to be achieved by reentry
20 projects and the metrics by which the achievement
21 of such outcomes shall be determined.

22 (2) PUBLICATION.—Not later than 30 days
23 after the date on which the Chief Evaluation Officer
24 identifies metrics and outcomes under paragraph

1 (1), the Secretary of Labor shall publish such
2 metrics and outcomes identified.

3 (e) DATA COLLECTION.—As a condition of receiving
4 a direct grant or intermediary grant for a reentry project,
5 grantees shall be required to collect and report to the De-
6 partment of Labor data based upon the metrics identified
7 under subsection (d). In accordance with applicable law,
8 collection of individual-level data under a pledge of con-
9 fidentiality shall be protected by the Chief Evaluation Of-
10 ficer in accordance with such pledge.

11 (f) DATA ACCESSIBILITY.—Not later than 5 years
12 after the date of enactment of this Act, the Chief Evalua-
13 tion Officer shall—

14 (1) make data collected during the course of
15 evaluation under this section available in de-identi-
16 fied form in such a manner that reasonably protects
17 a pledge of confidentiality to participants under sub-
18 section (e); and

19 (2) make identifiable data collected during the
20 course of evaluation under this section available to
21 qualified researchers for future research and evalua-
22 tion, in accordance with applicable law.

23 (g) PUBLICATION AND REPORTING OF EVALUATION
24 FINDINGS.—The Chief Evaluation Officer shall—

1 (1) not later than 365 days after the date on
2 which the enrollment of participants in an impact
3 evaluation is completed under this section, publish
4 an interim report on such evaluation;

5 (2) not later than 90 days after the date on
6 which any evaluation is completed under this section,
7 publish and make publicly available such evaluation;
8 and

9 (3) not later than 60 days after the completion
10 date described in paragraph (2), submit a report to
11 the Committee on Education and Labor of the
12 House of Representatives and the Committee on
13 Health, Education, Labor, and Pensions of the Sen-
14 ate on such evaluation.

15 (h) DEFINITIONS.—In this section:

16 (1) CHIEF EVALUATION OFFICER.—The term
17 “Chief Evaluation Officer” means the head of the
18 independent evaluation office located organization-
19 ally in the Office of the Assistant Secretary for Pol-
20 icy of the Department of Labor.

21 (2) REENTRY PROJECT.—The term “reentry
22 project” means a project funded under the reentry
23 employment opportunities program carried out
24 under section 172 of the Workforce Innovation and
25 Opportunities Act.

1 **SEC. 4. CONFORMING AMENDMENT.**

2 The table of contents in section 1(b) of the Workforce
3 Innovation and Opportunity Act is amended—

4 (1) by redesignating the item relating to section
5 172 as the item relating to section 173; and

6 (2) by inserting after the item relating to sec-
7 tion 171 the following:

“Sec. 172. Reentry Employment Opportunities Program.”.

○